

**Arlington Conservation Commission
Minutes
May 4, 2017**

Mr. Stevens called the meeting to order at 7:30 p.m. in the second floor conference room of the Town Hall Annex. Present were Chair Nathaniel Stevens, Commissioners Mike Nonni, Charles Tirone, Curt Connors, Susan Chapnick, David White, Associate Member Catherine Garnett and Administrator Eileen Coleman. Commissioner Janine White was not present. Also present were Michael Scanlon, Rob Lowell (DCR), Bruce Whelittle, Tom Keough (AECOM).

7:30pm Commission Business:

Waterbodies Working Group:

Mr. White explained that funding has not yet been considered at Town Meeting. He described the new report produced by the Waterbodies Working Group which contains updates to projects on Hills Pond and McClennen Park. Mr. White sent this report to the Town Moderator and circulated it to the Commission Members.

DWhite/Chapnick motioned to approve the Report. Motion carried unanimously.

Ms. Chapnick updated that she emailed one ecological risk assessor requesting a proposal for up to \$10k for the next phase of the study of the McClennen park retention ponds. The Commission discussed and agreed that Ms. Chapnick would also send an invitation to Tom Briggs at GZA. Ms. Chapnick has also compiled a Summary for the Finance Committee.

Ms. Coleman will have the following reports posted on the Commission's web page: Summary of McClennen Park Detention Basin Assessment and the Summary Water Bodies Report_Update and will send a link to the location of these reports to the Finance Committee.

Homewood Suites:

Ms. Coleman described her communications with representatives of Homewood Suites and the Building Department regarding the Homewood Suites expansion project that is underway.

Homewood Suites was required to build stairs for hotels guests to exit, but they have to remain up for a few more weeks while they make the connection between the old and new parts of the hotel. Mike Byrne, Building Inspector, is comfortable issuing a temporary Cert of Occupancy if the Commission is amenable. Mr. Bryne said it is quite common to issue temporary Cert of Occupancy for large projects where elements are unfinished due to staging.

Mr. Tirone would like the existing bond that covers the DCR plantings to be held for both DCR and on-site plantings.

The Commission discussed appropriate wording to protect the resource areas under the existing permit:

"The Commission is amenable to the Building Department issuing a 30-day Certificate of occupancy conditional on the plantings being installed within that period." "The Building Department will notify the commission if the temporary Certificate of Occupancy is being extended."

Tirone/Connors motioned to endorse issuance of a Temporary Certificate of Occupancy. Motion carried unanimously.

Ms. Coleman will draft an Administrative Approval containing the conditions as discussed. She will also ask Mr. Byrne to copy the Commission on the Temporary Certificate.

Ms. Garnet will visit the site to make notes on the plantings on DCR land.

7:45 pm Notice of Intent - 88 Coolidge Road (cont'd from 4/27/2017) DEP#91-0278

Documents used at meeting included:

April 12, 2016, letter to R. Kirby from Commission

Mr. Stevens referred to the draft report (Hydrogeologic Peer review of NOI) received on May 1, 2017, from Jim Vernon of Nobis Engineering Inc. Following the advice contained in the Report, the Applicant team wishes to dig four new test pits and asked for Commission approval on locations. The Commission had previously approved two test pits last year.

Mr. Bruce Whelple addressed the Commission with some concerns about the practicality of the proposal. The proposed borings are close to the locations of a 16' wild cherry and a star magnolia which he said are not shown on the project plans. Additionally the proposal calls for a tracked vehicle. Mr. Whelple and the other neighbors want minimal impact and would want whoever does the work to have clear instructions and oversight. He is also concerned about LEC's proposal at one point to bring in 5 feet of fill. He pointed out that the Draft Hydrogeologic Report concurred with Cori Beckwith (former Conservation Administrator) in questioning where two of the stormwater outfalls go. Mr. Whelple wanted the Commission to wait and discuss with Mr. Vernon the purpose of the additional testing he suggested and discuss conditions for it. There was a discussion about probes and their function. They could identify bedrock depth but would not characterize soil like a soil pit would.

It was agreed that in order to acquire more information about the site and be prepared for the May 18 hearing which Mr. Vernon is expected to attend, the Commission will permit the test pits with conditions.

Mr. Stevens reviewed the approval letter issued one year ago for test pits on site. This would be used as a basis for administrative approval including the following conditions:

Trees and shrubs such as wild cherry and magnolia shall not be disturbed.

Work shall be done by May 31, 2017.

Work shall be overseen by a wetland scientist.

The locations for the test pits will be in as close as possible to those shown on the sketch plan provided by Nobis Engineering.

Tirone/DWhite motioned to issue an administrative approval of the test pits as discussed. Motion carried unanimously.

8:00 pm **Notice of Intent** - DCR Mystic Riverfront Outfall Restoration Project DEP #91-086

Documents used at meeting included:

Drawing: Figure D 102, Mystic River Outfalls Standard Details, Drawn May 2017 (Conceptual Landscaping Plan.)

Rob Lowell from DCR and Tom Kehoe from AECOM reviewed the project proposal. A 10' by 10' area will be impacted at each location, most occupied by rip-rap and 3' by 1' of vegetation. A table in the drawing shows the anticipated species to be installed. Adjustments will be made in the field.

In response to Ms. Chapnick's questions about the minimum size of plantings to ensure survivability, the following additional permit conditions were drafted:

The minimum sizes for plantings shall be No. 1 pot for ferns and lowbush blueberry and 18" for viburnum and winterberry. All plantings shall comply with the American Nurseryman Standards;

Plants that die within the first year after planting shall be replaced;

A survivability report shall be provided after 1 year.

Connors/Chapnick motioned to close the hearing. The motion carried unanimously.

Nonni/DWhite motioned to approve the project with the conditions discussed at the meetings on April 27 and May 4, 2017. The motion carried unanimously.

8:30 pm **Executive Session** – Active Litigation: Seaver Construction Co. v. Arlington Conservation Commission, Middlesex Sup. Ct. Civ. A. No. 1681CV03021 (regarding 12 Clyde Terrace, DEP #91-0274)

Mr. Stevens announced that the Commission needed to go into executive session to discuss with Town Counsel Doug Heim strategy about active litigation as meeting in open session could compromise the Commission's position. Connors/Tirone motioned that this meeting go into executive session there followed a roll call vote:

Nathaniel Stevens – yea, Janine White – yea, Mike Nonni – yea, Charles Tirone – yea, Susan Chapnick – yea, David White - yea and Curt Connors – yea. Motion passed unanimously.

The Commission went into executive session to discuss with Town Counsel Doug Heim strategy about active litigation. Town Counsel, Attorney Mark Watskey, Litigant Scott Seaver and his Wetlands Consultant Mary Trudeau participated. Associate Member Garnett attended.

9:50 p.m. Commission ended executive session and returned to open meeting.

Other Commission Business

Ms. Garnett explained that she has been asked to review the Zoning Recodification proposal, however, she cannot make the next meeting of the Board on May 23, 2017. Mr. Connors offered to review the proposal and participate at the meeting. Town Counsel underscored the importance of updating the zoning bylaws and also offered to relay the Commission's comments at the meeting.

Ms. Garnett also reminded those present that she will be unable to continue with the next phase of the Spy Pond project and would like to talk to Nat Strosberg in the planning Department about taking over. Mr. Stevens advised that Jenny Raitt, Arlington Planning Director, was waiting until after Town Meeting to speak to Mr. Strosberg about that undertaking and that he would contact Ms. Raitt to see when Ms. Garnett could meet with Mr. Strosberg.

Meeting adjourned at 9:55pm.

Respectfully submitted,

Eileen Coleman,

Temporary Conservation Administrator